

January 27, 2004

**MINUTES OF AN ADJOURNED REGULAR  
MEETING OF THE TORRANCE CITY COUNCIL**

**1. CALL TO ORDER**

The Torrance City Council convened in an adjourned regular meeting at 5:30 p.m. on January 27, 2004, in Council Chambers.

**ROLL CALL**

Present: Councilmembers Lieu, Mauno, McIntyre, Nowatka, Scotto, Witkowski and Mayor Walker.

Absent: None.

Also Present: City Manager Jackson, City Attorney Fellows, City Clerk Herbers and other staff representatives.

Mayor Walker announced that City Manager Jackson was asking for an executive session to consider a proposal made by the Mills Corporation regarding lease negotiations for the former Montgomery Ward Automotive service facility and that the proposal was received after the posting of the agenda.

Mayor Walker also stated that an additional proposal by the Mills Corporation needed to be considered regarding an air rights parcel bounded approximately by the Del Amo Fashion Center Mall Entrance 5 to the east, mall Entrance 7 to the west, the façade of the north mall to the south and Fashion Way to the north. California Government Code section 54956.8 requires a determination by a two-thirds vote that immediate action is required and that the need to take action arose subsequent to the posting of the agenda.

**MOTION:** Councilmember Scotto moved to add items 17c and 17d to the agenda. Councilmember Witkowski seconded the motion and a roll call vote reflected unanimous approval.

**17. EXECUTIVE SESSION**

The Council immediately recessed to closed session to confer with the City Manager and the City Attorney on the agenda matters listed under 17.a) Conference with Labor Negotiator and 17.b) Real Property – Conference with Real Property Negotiator pursuant to California Government Code Sections 54957.6 and 54956.8.

The regular meeting commenced at 7:03 p.m.

**2. FLAG SALUTE/INVOCATION**

The Pledge of Allegiance was led by Former Mayor Ken Miller.

The non-sectarian invocation was given by Councilmember Witkowski.

**3. AFFIDAVIT OF POSTING/WAIVE FURTHER READING**

**MOTION:** Councilmember McIntyre moved to accept and file the report of the City Clerk on the posting of the agenda for this meeting. The motion was seconded by Councilmember Lieu and a voice vote reflected unanimous approval.

**MOTION:** Councilmember McIntyre moved that after the City Clerk has read aloud the number and title to any resolution or ordinance on the meeting agenda, the

further reading thereof shall be waived, reserving and guaranteeing to each Councilmember the right to demand the reading of any such resolution or ordinance in regular order. The motion was seconded by Councilmember Lieu and a roll call vote reflected unanimous approval.

**4. WITHDRAWN OR DEFERRED ITEMS**

None.

**5. COUNCIL COMMITTEE MEETINGS AND ANNOUNCEMENTS**

Councilmember Scotto announced a meeting of the Ad Hoc Legislative Committee on Tuesday, February 3, 2004 at 4:00 p.m. in the Third Floor Assembly Room at City Hall to review the four propositions on the March 2, 2004 ballot. He also announced a meeting of the Finance and Governmental Operations Committee on Tuesday, February 10, 2004 at 5:30 p.m. in Council Chambers for a mid-year budget review.

City Clerk Herbers announced that the City was accepting applications for a vacancy on the Community Services Commission for appointment on February 24, 2004.

**6. COMMUNITY MATTERS**

**6a. JARED SIDNEY TORRANCE AWARD**

Mayor Walker presented the Jared Sidney Torrance Award of Merit to George Post who thanked Mayor Walker, introduced his wife, noted that his grandfather was a friend to Jared Sidney Torrance and observed that Torrance had and still has a small town ambience.

Mayor Walker called a recess from 7:18 p.m. to 7:40 p.m. for refreshments.

**7. CONSENT CALENDAR**

City Clerk Herbers asked to withdraw the minutes of December 2, 2003 for approval next week.

**7a. APPROVAL OF MINUTES OF DECEMBER 2, 2003 AND DECEMBER 16, 2003**

Approval of minutes of December 2, 2003 and December 16, 2003.

**7b. TORRANCE TRAFFIC COMMISSION ANNUAL REPORT**

**Recommendation**

Recommendation of the Community Development Director that City Council accept and file the Torrance Traffic Commission 2003 Annual Report.

**7c. MONTHLY INVESTMENT REPORT FOR NOVEMBER AND DECEMBER 2003**

**Recommendation**

Recommendation of the City Treasurer that City Council accept and file the monthly investment report for the months of November and December 2003.

**7d. PURCHASE ORDER RE JUST REWARDS**

**Recommendation**

Recommendation of the Human Resources Director that City Council:

- 1) Approve an increase to a purchase order with Just Rewards, in the amount of \$30,000; and

- 2) Appropriate \$30,000 from AB2766 funds to fund the additional amount of the purchase order.

**7e. CONTRACT RE BENESYST, INC.**

**Recommendation**

Recommendation of the Human Resources Director that City Council execute a contract with Benesyst, Inc. to provide administrative services including billing and eligibility for the Multiple Choice Health Program for certain employees, retirees and COBRA participants. The total expenditure is estimated to be \$320,000 per month, and the payment will be based on actual monthly enrollment.

**MOTION:** Councilmember Mauno moved to approve items 7a as modified and 7b through 7e as written. Councilmember Nowatka seconded the motion and a roll call vote reflected unanimous approval.

**9. PLANNING AND ECONOMIC DEVELOPMENT**

**9a. I-405 ARTERIAL IMPROVEMENT PLANNING**

Recommendation of the City Manager and City Attorney that City Council concur to support the I-405 Arterial Improvement Planning Study in context to its prioritization with other projects under consideration by the City and the California Department of Transportation (Caltrans).

Transportation Planner Semaan presented a brief summary of the item noting that the South Bay Council of Governments initiated a study in the spring of 2002 to identify problem areas and recommend improvement options. He stated that in July 2003, recommendations were made which included 3 interchanges at Crenshaw Boulevard, Western Avenue, and Artesia Boulevard.

In response to an inquiry from Councilmember Scotto, Transportation Planner Semaan explained that in addition to adding lanes to the northbound I-405 on-ramp and the Crenshaw Boulevard and 182<sup>nd</sup> Street intersection, constructing a new direct access on-ramp from northbound Crenshaw Boulevard to the southbound 405 freeway would alleviate congestion in the area. He reported that previous meetings and studies with Caltrans had led to the same conclusions, but no funding is available so the project will take time to complete.

Councilmember Nowatka clarified that the purpose of the item was to solicit support from the Council so that the projects could get into the queue, although it could take 10 years for the projects to be completed.

Councilmember Witkowski noted that she had mentioned re-synchronizing Crenshaw Blvd. two years ago and again requested an analysis of the phasing of the signals as a way to alleviate congestion at Crenshaw and move traffic that currently backs up on to the freeway. Transportation Planner Semaan indicated that signal operations would be examined and he stated that they had met with Caltrans primarily to address that off ramp situation.

**MOTION:** Councilmember Scotto moved to concur with the staff recommendation. Councilmember Witkowski seconded the motion and a roll call vote reflected unanimous approval.

**11. ADMINISTRATIVE MATTERS**

**11a. CONTINUED STATE OF LOCAL EMERGENCY FOR CAROLWOOD LANE AND SINGINGWOOD DRIVE**

Recommendation of the City Manager and the City Attorney that City Council continue the state of local emergency, proclaimed March 2, 2001 for properties located on Carolwood Lane and Singingwood Drive.

**MOTION:** Councilmember Scotto moved to continue the state of local emergency for Carolwood Lane and Singingwood Drive. Councilmember McIntyre seconded the motion and a roll call vote reflected unanimous approval.

**11b. RESOLUTION NO. 2004-14 RE LOS ANGELES AIR FORCE BASE**

Recommendation of the City Manager that City Council:

- 1) Provide \$30,000 to the Los Angeles Air Force Base (LAAFB) Regional Alliance public campaign to retain the LAAFB;
- 2) Adopt a Resolution opposing the closure of the LAAFB in El Segundo, and in support of the South Bay's efforts to save the LAAFB from possible Base Realignment and Closure (BRAC); and
- 3) Return the resolution to Los Angeles County so the County's Legislative Advocates can distribute packets to members of Congress, the Administration and officials from the Department of Defense involved in the closure.

Senior Management Associate Wren reported that a regional alliance had been formed to support the retention and modernization of the Los Angeles Air Force Base which is located in El Segundo and is responsible for space and missile defense systems, provides 65,000 jobs, and has an annual payroll of \$3.3 billion. She asserted that its closure would negatively affect Torrance, the greater South Bay area and Los Angeles County.

**MOTION:** Councilmember McIntyre moved to concur with the staff recommendation. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval.

**RESOLUTION NO. 2004-14**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY  
OF TORRANCE SUPPORTING THE RETENTION AND  
MODERNIZATION OF THE LOS ANGELES AIR FORCE BASE**

**MOTION:** Councilmember Lieu moved to adopt Resolution No. 2004-14. Councilmember Witkowski seconded the motion and a roll call vote reflected unanimous approval.

Councilmember Nowatka noted a correction in the wording of the resolution: 65,000 direct or indirect jobs would be affected, not 30,000 as written.

**11c. TAXI CAB FRANCHISE AGREEMENTS**

Recommendation of the Finance Director that City Council authorize staff to enter into a franchise agreement for a term of three years with two additional one-year renewal options with the following taxicab companies:

- South Bay Yellow Cab
- Bell Cab
- United Checker
- All Yellow Taxicab

Assistant Finance Director Flewellyn stated that the Finance Department had initiated the franchise concept at the budget workshops that were approved at a May 13, 2003 public hearing. On October 28, 2003 City Council directed staff to pursue a non-exclusive franchise agreement with four companies at an annual price of \$30,000 with an additional \$100 per taxicab and a minimum of 40 and a maximum of 120 taxicabs per franchise.

A Request For Proposal (RFP) due on December 30, 2003 was distributed with the City receiving five proposals. One proposal from United Independent Taxi Driver Inc., was considered incomplete and rejected as the company did not want to pay the franchise fee and had not submitted their affidavit or acknowledgement of Addendum #1 as required in the RFP.

An Evaluation Team was created and a score sheet was developed using over 30 questions from the RFP and evaluation process. Team members included Assistant Finance Director/Business License Supervisor Flewellyn, Transit Manager Mills, Senior Accountant Olds, Parks and Recreation Administrative Analyst Witzansky and Police Detective Wallace. The team independently evaluated the applications, score sheets were totaled and an average was calculated with average scores adjusted by factoring in a police background check.

Councilman Mauno received clarification that each team member evaluated independently, then reconvened and compared scores to make sure they had not missed any issues.

At the request of Councilmember McIntyre, Assistant Finance Director Flewellyn read the final results of the team review: South Bay Yellow: 86.55; Bell Cab: 85.70; All Yellow Taxicab: 85.24; and United Checker: 83.20. He noted that the All Yellow scores had been further reduced by 10% to 76.70 due to adverse background information.

At the request of Councilmember Witkowsky, Assistant Finance Director Flewellyn indicated that companies were evaluated on Fleet Information, Qualification of the Proposers, Financial Capability and Stability, Quality of Service Vehicles, and Quality of Driver Service, as well as sections with no points assigned including Insurance and Business Plan that staff felt were critical to aid the evaluations.

Councilmember Lieu noted that all four companies had wheelchair accessible vehicles and three out of four companies were compliant with low emissions. The numbers were reviewed by Assistant Finance Director Flewellyn and he stated that All Yellow indicated that if a fueling station were built in the city of Torrance they would meet the 5% of fleet requirement.

Martin Reed, a lawyer representing United Independent Taxi (UIT), asserted that the RFP process was flawed and pointed out that the cab companies were being required to go from paying nothing per year to service the city of Torrance to paying, \$850 per year, per cab. He indicated that UIT had submitted a complete application, but was upfront about not being able to afford the fee and he asserted that the larger cab companies supported the idea to eliminate competition and phase out smaller companies.

Mr. Reed expressed concerns that due to the high cost to operate in Torrance and decreased competition, the quality of service and the quality of maintenance might be compromised. He asserted that the fee was arbitrary and unreasonable and asked that

the matter be continued so that UIT and the city could work together to come up with a reasonable solution.

Art Taylor, 2270 Sepulveda Boulevard, provided a brief history of the growth of UIT in the South Bay area and expressed concern that Yellow Cab felt threatened by the competition and was using money as a weapon to eliminate it. He reported that Yellow Cab had initiated RFPs in Manhattan Beach and Hermosa Beach resulting in costs to operate in the South Bay increasing from \$550 per year in 1998 to over \$5,000 per car in 2003.

Mr. Taylor indicated that Yellow Cab would pay less per cab to operate as they have more cars and expressed concern that advantages had been gained in other ways. He reported that UIT had presented their RFP with objections to the unreasonable taxation and he requested that the City Council and Mayor rethink the RFP process.

Jamal Bourkich, a driver for UIT, reported that drivers all over the country had been suffering a 25% decrease in income since September 11, 2001. He indicated that even with putting in 50-55 hours per week it was difficult to make ends meet and increased costs would create a dangerous and unhealthy situation as it would be physically impossible for drivers to earn even minimum wage.

City Attorney Fellows responded to comments made earlier stating that in the history of taxicab service in Torrance there was little or no evidence of complaints or poor taxi service in the city so that the issue of competition that should not result in derogation of service.

He stated that the proposed franchise fee was not suggested by Yellow Cab, by the Council or by any outside entity but was developed entirely by staff and that in fact at one point the staff had considered a flat rate franchise fee of \$40,000 per year with no per cab charge.

He disagreed with Mr. Taylor's assertion that UIT would pay disproportionately and indicated that the range had been set between 40-120 cabs so that no one would have to give up cabs presently operating under the previous licensing scheme thus allowing each company to set the number best for the franchisee and pay for licensing accordingly.

City Attorney Fellows explained that the term of the proposed franchise is three years with two one-year options to extend, providing ample opportunity to fine tune the program.

City Attorney Fellows stated that he had suggested the RFP process at a City Council Transportation Committee meeting a number of years previous as a direct response to the published case of South Coast Cab vs. City of Anaheim which basically said that existing public convenience and necessity provisions such as those in existence in most city's ordinances was unenforceable and in an attempt to provide an evenhanded mechanism for the selection and award of taxicab service he had personally suggested the method.

He also noted that the City of Los Angeles operated its taxi franchise by zone.

City Attorney Fellows noted that under the old City of Torrance ordinance a 50 cab fleet size per minimum was required as a rough measure of business responsibility so that the City would not have to spend time on evaluating. He stated that it appeared that

United Independent had fallen below the fleet size and perhaps would not have qualified under the old scheme.

Councilmember Mauno expressed empathy for the drivers' working conditions but indicated that his main concern was quality service for the citizens and he felt the city's process was fair.

**MOTION:** Councilmember Mauno moved to concur with the staff recommendation with taxi cabs noted. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval with the exception of Mayor Walker who abstained.

Mayor Walker commented on the accuracy of a newspaper article from the previous Saturday noting that it omitted that as he had raised a significant amount of money to pay off campaign debts, he had utilized twice as much money as listed in the story at the same time he had made a large contribution to the John Wayne Cancer Institute as well as to an educational foundation providing scholarships to needy students and that \$7,000 of those funds were donated to the Rose Float Association to underwrite six of the South Bay POWs and a New York police officer to ride on the float. He stated, as pointed out that the story, staff had indicated that at no time had he had any conversations with staff or Councilmembers about the subject. Mayor Walker reiterated that staff had analyzed and came up with the recommendation and the City Council had unanimously voted to concur with the recommendation. He stated that he looked forward to a more comprehensive story in the future.

## **12. HEARINGS**

### **12a. RESOLUTION NO. 2004-15 RE JACK IN THE BOX**

Recommendation of the Community Development Director and the Planning Commission that City Council deny the appeal and adopt a resolution to approve as conditioned a Conditional Use Permit (CUP03-00041) allowing the construction and operation of a drive-through restaurant on property located in the C-2 Zone at 3940 Redondo Beach Boulevard.

CUP03-00041, JBA-ASLAN/BARRY HAMMOND (JACK IN THE BOX)

Mayor Walker opened the public hearing at 9:55 p.m.

Planning Manager Isomoto presented a brief presentation on the item from material of record noting that an adjacent property owner had filed the appeal of the project at the southeast corner of Redondo Beach Boulevard and Prairie Avenue based on noise and littering concerns.

She noted that the Planning Commission had considered the item on November 25, 2003 with neighbors raising concerns about light, noise, and hours of operation. The Planning Commission amended conditions to include adding trees around the property line and installing a state of the art volume device to decrease noise at the speaker box, and that the item was unanimously approved 6-0 with Commissioner Botello absent.

Planning Manager Isomoto stated that staff recommends denial of the appeal and approval of the project as conditioned.

In response to an inquiry from Councilmember Witkowsky, Planning Manager Isomoto indicated that the speaker box was 83 feet from the nearest property and the trash enclosure was 45 feet away from the nearest property. She added that there were three separate lighting conditions, and a lighting plan would have to be submitted in order to shield light from the adjacent properties and that staff would have planners consult with the Police Department regarding safe lighting levels.

Councilmember McIntyre expressed concerns about the necessity of another 24/7 operation in the City of Torrance.

Planning Manager Isomoto reported that the applicants felt that it was safer to have the drive through portion remain open with someone on property at all times and she pointed out a condition providing for a review by the Community Development Director after 6 months to determine whether the 24/7 operation should continue.

Councilmember McIntyre indicated her pleasure that trees were specified which would increase light diffusions and she suggested a creeping vine to obscure the 10 foot wall and 23 foot towers.

In response to an inquiry from Councilmember Scotto, Planning Manager Isomoto explained that the proposed configuration was due to certain lease restrictions and that traffic flow had to work well with the balance of the shopping center.

Councilmember Mauno supported the 6 month review mechanism and Planning Manager Isomoto indicated that there was leeway to further exercise rights and that if the Community Development Director requested a modification of hours it could be appealed to the Planning Commission.

Mayor Walker asserted that the development would be an improvement to the area.

Ray Pellegrino, 3820 Del Amo Boulevard, #217, spoke representing the apartment building at 3920 Redondo Beach Boulevard and asked to postpone the hearing to the originally agreed upon date of February 10, 2004 or another date agreeable to all parties, and expressed frustration with staff responsiveness and to the changes made to the original agreed upon hearing date.

In response to an inquiry from Councilmember Scotto, City Attorney Fellows explained that under California State law and city code appeals from Planning Commission decisions must be filed within 15 days with the appeals required to be heard within 30 days per City Code. He noted that due to cancelled meetings at the end of December, this was the earliest date the item could be heard by the City Council. He noted the concerns but that the applicant also has a due process right to have it heard in a timely manner. Unless the applicant agrees to defer further the city has to move forward and that one partner of the appellants had indicated that he would be present.

Mayor Walker pointed out that there was a firm recommendation from the Planning Commission and staff. Responding to Mayor Walker, Planning Manager Isomoto indicated that the modification of the permit for the balance of the shopping center was submitted in April 2000 but the center had not had any improvements made to it for many years.



City Attorney Fellows indicated that unless there were to be a motion to continue the item with acquiescence by the applicant, he recommended the Council take action tonight.

Mr. Pellegrino expressed opposition to the proposed development noting that air conditioning was not available in the apartments so residents have to keep their windows open. He asserted that the proposed Jack in the Box would generate automobile noise, pollution and speaker noise and felt that even a state of the art speaker system would not be able to eliminate the noise of a car with a loud patron at 2:00 a.m. He suggested reconfiguring the site since the speakers for the cashier's window and pickup window are directly facing the apartments.

Mr. Pellegrino noted that the apartment was downwind from the site so odors would be an issue and he asserted that increased litter and traffic as a result of the 24 hour business would impact his business negatively as vacancies would increase because people will not want to rent next to a 24 hour Jack in the Box. He reminded Councilmembers that he had been asked several times to make some of the 200 units he rents in the city available for low income housing and he has always agreed to that.

Steve Jones, co-owner of the apartment building adjacent to proposed development pointed out that there are 3 Jack in the Box restaurants within a 2 mile radius and that none were adjacent to apartment buildings or R-1 development. Mayor Walker disputed the locations with Mr. Jones asserting that those speaker boxes did not face the houses.

Mr. Jones indicated that he had spoken with residents who live near the Jack in the Box on Redondo Beach Boulevard and Van Ness who had related complaints of noise, smell and litter. He indicated that there is insufficient parking for his apartment building, built in 1967, so residents rely on street parking and the newly approved condo for Redondo Beach Boulevard and Thornburgh will further exacerbate the parking situation. He presented pictures of the full parking lot at Chuck E. Cheese noting that people have to park on the street and he asserted that a restaurant would add to the problem making the parking situation insufferable.

Mr. Jones stated that the Torrance Police Department could confirm that crime had increased since the Chuck E. Cheese had opened at that location, disagreed with Mayor Walker's suggestion that having people on site at all times would be a deterrent to crime as staffing would be minimal and they would not be able to properly monitor the area, that many of the residents in the R-1 neighborhood who have lived there for 30-40 years have also noted that since Chuck E. Cheese opened traffic and parking problems have increased and that they are not happy about the proposed development as that will only add to the problems.

Mayor Walker pointed out that the new condo development would provide three times the parking that Mr. Jones' apartment building provided and he felt it was about time to put something in that spot and a major brand business would be able to do landscaping and proper building.

Mr. Jones suggested having Jack in the Box open with limited operations to prove that they are a good neighbor, and if they are, in 6 months they can go to 24 hour service.

Yolanda Mejia, 3920 Redondo Beach Boulevard, Apt. 3, presented a petition signed by tenants in her apartment building who object to the Jack in the Box due to issues of noise and traffic. She added that every weekend the street is blocked because of Chuck E. Cheese and Mayor Walker indicated that the police chief would look into her comments about incidents at Chuck E. Cheese.

William Hupper, 3940 Thornburgh Place, reported that he had previously appeared before the Council to speak out against Chuck E. Cheese opening at that location and his concerns have proven to be founded. He noted that trash was an issue and added that when the Grass Hut bar operated at that location it closed at 11 p.m. providing residents with some relief, unlike the constant operation of a 24/7 business.

Mr. Hupper asserted that the weekends were already very difficult in terms of parking and traffic and he suggested a more appropriate business be placed on the site. He expressed concerns regarding noise, traffic and lighting, specifically since there is a spotlight which currently shines into his bedroom.

Edmond Greteman, 3944 W. Thornburgh Place, expressed concerns with traffic noting that he had tried to get the curbs painted red to increase sightlines and enable residents to exit onto Redondo Beach Blvd. more safely.

Nnodu Ojukwu, 3934 Thornburgh Place, asked the Council to consider an alternative to a 24/7 restaurant due to traffic, parking and safety issues.

Ryan Stearns, 3424 Carson St., #500, the attorney representing Steve Jones and Ray Pellegrino, submitted a petition and photographs. He agreed with the Mayor that it would be good for the City to have a development on that site, but felt that the proposed use did not conform to the General Plan. He observed that the Mayor was predisposed toward the project though it would create increased traffic and noise and suggested imposing additional conditions to make the least intrusion on the residents.

Mr. Stearns expressed concerns with noise as tenants keep their windows open and suggested reconfiguring speaker locations. With regard to trash issues, he suggested an enclosed area with more frequent trash pick ups and to address lighting issues, he suggested placing lighting at a limited height so there is not over exposure to the tenants.

Mr. Stearns proposed putting the trial on Jack in the Box to see if they earn the right to operate 24/7 and suggested that a security guard be required to address crime concerns.

Barry Hammond, representing Jack in the Box, 41 Corporate Park, Irvine, reported he had worked with staff to develop a plan that would fit the site and be compatible with adjacent uses. He discussed speaker volume and noted that the proposed speaker location faces south with landscaping to be used as a sound block placed between the speaker and the apartments which are 150 feet away.

Mr. Hammond indicated that placing a lid on the trash enclosure would not be a problem and he would work with staff on a lighting plan that would address safety issues and be as unobtrusive as possible. He expressed skepticism about the petition and asserted that a 24 hour operation increased safety for the community and provided a better business climate for patrons. He reported that patrons were usually not unruly and he explained that they had requested starting with a 24/7 operation because their

business plan is affected if they have to increase hours later. Mr. Hammond assured the Council that they would be happy to cut back later if they prove to be bad neighbors.

Mr. Hammond reported contacting Mr. Pellegrino and Mr. Jones and receiving no response, and he indicated that the project meets all code requirements for parking and if Chuck E. Cheese overflows that is their problem. He observed that when Jack in the Box does not have parking available people just keep driving.

Councilmember Scotto clarified that the resident to the south was 50 feet away not 150 and asked why the building was not moved to the west with the same parking configuration. He commented that the cover on the trash container would help but questioned why it could not be moved as far west as possible and he suggested constructing a parapet to block the lights.

Mike Palmer, 100 West Barranca, Ste. 200, West Covina, Construction Manager for Jack in the Box, pointed out that that the building had to be placed where it was in the plans to maintain adequate circulation and he felt that sound could be modulated according to the ambient noise and would not be too loud.

In response to an inquiry from Mayor Walker, Mr. Palmer indicated that moving trash containers to the west would not be a problem, and he agreed to develop extra height on the property line to shield residents from any view and help with noise abatement.

Planning Director Gibson indicated that the applicant could be required to construct a wall which might assist with noise and Mr. Palmer agreed to work with staff.

Councilmember Nowatka received clarification that there was no electrical amplification for the order pick up and cashier windows on the eastside.

In response to an inquiry from Councilmember Lieu, Mr. Palmer asserted that 24 hour stores are much more successful and provide greater safety for the surrounding area.

Councilmember Scotto received clarification that the Jack in the Box would be a company owned store, not a franchise.

In response to an inquiry from Mayor Walker as to whether Planning Director Gibson could scale hours back immediately if there were problems with the 24/7 operation with the right to try to be reinstated, Mr. Hammond indicated that a 6 month trial period was chosen to iron out problems that typically occur in the first few months. If there were problems they would go to shorter hours with 48 hours notice during the appeals period.

In response to concerns from Councilmember Witkowsky about the criteria that would determine whether the hours would be limited, City Attorney Fellows stated that Planning Director Gibson would not act without merit and the quality of complaints would be analyzed. He noted that similar situations had occurred before and if Planning Director Gibson had any doubts he would refer to the Planning Commission about the situation. He noted that Councilmembers could keep the condition as is or add language to modify, but he recommended a trial period with 24/7 service as it would be hard to measure without trying it.

Mayor Walker asserted that Planning Director Gibson is the arbiter and he felt the matter should be kept out of the Commission structure as it would defeat responding in a timely matter.

Mr. Hammond expressed confidence that they could address the concerns of the community and indicated that if 24/7 did not work out, the drive through would be closed from midnight to 6:00 a.m. from Sunday through Thursday and would be open until 1:00 a.m. on Friday and Saturday nights.

In response to an inquiry from Councilmember Scotto about staying open until 10:00 p.m., Mr. Palmer explained that they had to stay open until at least midnight to make the business viable. He added that franchises were hit or miss, the business runs on a tight margin, hours of operation are critical to turn a profit and make it a practical endeavor and it is easier to run a corporate store.

**MOTION:** At 9:56 p.m. Councilmember Scotto moved to close the public hearing. Councilmember Witkowsky seconded the motion and a roll call vote reflected unanimous approval.

Councilmember Lieu did not agree with the assertion that 24/7 would decrease crime and expressed concern that those hours would lower the quality of life for neighbors. He expressed support for normal restaurant hours but not 24/7 as he felt it would negatively affect residents and he noted that he had to look out for residents who do not know they can complain.

Councilmember Mauno objected to the inference that mostly intoxicated patrons would frequent the restaurant late at night and pointed out a huge nighttime economy with unmet needs in the city. He expressed concern with a commercial property next to residential and felt it was wise of the commission to put in a 6-month trial period to see if the business can operate in a friendly manner.

Councilmember McIntyre expressed concerns about the quality of life for constituents in the neighborhood and indicated that she could support midnight closure, but not a 24/7 operation.

Councilmember Witkowsky disagreed that the parking situation would be worsened by this particular project and noted that something else on the site might be worse for parking. She congratulated the apartment owners for providing affordable housing and indicated that she was looking forward to a beautifully enhanced corner. She noted that the business would bring in income, she did not feel the issue of how many other Jack in the Boxes in the area was relevant and she indicated that she would support the project as amended.

Councilmember Nowatka agreed that the location of nearby Jack in the Box restaurants was irrelevant and he felt that moving the trash container a few feet would not solve odor issues. He disagreed with assertion that drunks would be coming in late at night and also felt that a 24/7 operation would not increase crime. He indicated that in some cases businesses can provide eyes and ears for the police and he supported a 6 month trial as part of the proposal.

Councilmember Scotto expressed concern about 24/7 operation and noted a difference in the earlier comparison to a Jack in the Box on Sepulveda in that they were building a residency next to an existing Jack in the Box, but on this site the apartment was

present first. He suggested that a different business could prove more troublesome than a Jack in the Box.

**MOTION:** Councilmember Scotto moved to concur with the staff recommendation with the following conditions: the proposed hours of operation shall be reviewed by the Community Development Director after six months of operation and if the Community Development Director determines that noise issues are impacting adjacent uses, operating hours shall be limited within 48 hours to the hours of Sunday through Thursday - 6:00 a.m. to 12:00 a.m. and Friday and Saturday - 6:00 a.m. to 1:00 a.m. with the decision subject to a 15-day appeal period; a visual barrier shall be designed and constructed along the easterly property line adjacent to the apartment property to the satisfaction of the Community Development Director; and the trash enclosure shall be relocated to the west as far as possible to the satisfaction of the Community Development Director. Councilmember Witkowsky seconded the motion and a roll call vote was taken with Councilmembers Mauno, Nowatka, Scotto, Witkowsky and Mayor Walker voting yes, and Councilmembers Lieu and McIntyre voting no.

#### RESOLUTION NO. 2004-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE APPROVING A CONDITIONAL USE PERMIT AS PROVIDED FOR IN DIVISION 9, CHAPTER 5, ARTICLE 3 OF THE TORRANCE MUNICIPAL CODE TO ALLOW THE CONSTRUCTION AND OPERATION OF A DRIVE-THROUGH RESTAURANT ON PROPERTY LOCATED IN THE C-2 ZONE AT 3940 REDONDO BEACH BOULEVARD

CUP-03-00041: JKBA-ASLAN/BARRY HAMMOND (JACK IN THE BOX)

**MOTION:** Councilmember Scotto moved to adopt Resolution No. 2004-15. Councilmember Nowatka seconded the motion and a roll call vote indicated Councilmembers Mauno, Nowatka, Scotto, Witkowsky and Mayor Walker voting yes, and Councilmembers Lieu and McIntyre voting no.

#### 12b. **ORDINANCE NO. 3553 RE CITY SPEED LIMITS**

Recommendation of the Community Development Director and Police Chief that the City Council concur with the staff recommendation to adopt an Ordinance amending Sections 61.10.1, 61.10.2, and 61.10.3 of the Torrance Municipal Code related to speed limits within the City.

Mayor Walker opened the public hearing at 10:10 p.m. No one from the public came forward to speak.

**MOTION:** At 10:11 p.m. Councilmember Scotto moved to close the public hearing. Councilmember McIntyre seconded the motion and a roll call vote reflected unanimous approval.

**MOTION:** Councilmember Scotto moved to concur with the staff recommendation. Councilmember Witkowsky seconded the motion and a roll call vote reflected unanimous approval.

#### ORDINANCE NO. 3553

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE AMENDING SECTIONS 61.10.1, 61.10.2, AND 61.10.3

OF THE TORRANCE MUNICIPAL CODE RELATED TO POSTED  
SPEED LIMITS WITHIN THE CITY.

**MOTION:** Councilmember Lieu moved to adopt Ordinance No. 3553. Councilmember Scotto seconded the motion and a roll call vote reflected unanimous approval.

\*

The Torrance Redevelopment Agency met from 10:13 p.m. to 10:15 p.m.

\*

**16. ORAL COMMUNICATIONS**

**16a.** Councilmember Lieu stated that he was pleased that Torrance had donated \$30,000 in the alliance to keep the Los Angeles Air Force Base from closing as its closure would have a negative ripple effect on the surrounding area as the base generates visitors and business travel which stimulate service industries in addition to contracts.

**16b.** Councilmember Lieu announced that the Torrance Public Library and Public Opera Guild were presenting an opera program at the Katy Geissert Civic Center Library on January 30<sup>th</sup>.

**16c.** Councilmember Nowatka congratulated Councilmember Lieu on his recently received Meritorious Service Medal.

**16d.** Councilmember Mauno also commended Councilmember Lieu.

**16e.** Councilmember Mauno attended the annual military inspection for the Torrance High ROTC and was impressed with the program which teaches many skills including character, discipline, appearance and leadership. He commended Dr. Fish and the Torrance Unified School District Board of Education for their support of the program.

**16f.** Councilmember McIntyre congratulated the Torrance High School Band, one of only six bands in the parade, for the tremendous applause they received in a march on Exposition Boulevard on Martin Luther King Jr. Day.

**16g.** Councilmember McIntyre enjoyed the sold-out performance of the Peking Acrobats sponsored by the Torrance Cultural Arts Foundation.

**16h.** Councilmember Scotto congratulated Councilmember Lieu on receiving the Meritorious Service Medal.

**16i.** Councilmember Scotto echoed the comments of Councilmember McIntyre regarding the Peking Acrobats.

**16j.** Councilmember Witkowsky announced that the Community Volunteer Alert Network comprised of CERT volunteers, Ham Radio operators and other volunteers would be conducting their second annual disaster training drill on January 31<sup>st</sup> between 10:00 a.m. and 11:30 a.m. to bring vital information to the community in the event of a local or national disaster. She indicated that further information could be obtained at (310) 320-3322.

**16k.** Mayor Walker expressed pleasure at being able to award George Post the Jared Sidney Torrance award at the meeting and was pleased to have seen his friends and the many people that have meant a lot to the City over the last 30-40 years.

**17. EXECUTIVE SESSION**

Considered earlier in the meeting.

**18. ADJOURNMENT**

At 10:20 p.m., the meeting was adjourned to Tuesday, February 3, 2004 at 6:00 p.m., for the regular meeting in Council Chambers.

Attest:

/s/ Dan Walker

Mayor of the City of Torrance

/s/ Sue Herbers

Sue Herbers, CMC  
City Clerk of the City of Torrance

Approved on February 24, 2004

Kristi Callan  
Recording Secretary

City Council  
January 27, 2004